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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/634,609 | 08/05/2003 | George Dale Grayson | IS-001 | 6607 |

25962     7590     10/09/2007
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| EXAMINER |
|---|
| SWEARINGEN, JEFFREY R |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2145 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/09/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/634,609 | GRAYSON ET AL. |
| | Examiner | Art Unit | |
| | Jeffrey R. Swearingen | 2145 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 July 2007*.

2a)☐ .This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) *20-24 and 44-48* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 25-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1.     .The drawings are objected to because they are handwritten and generally illegible. Corrected

drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the

figures appearing on the immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing

figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where

necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.     **Applicant is advised that the claims as submitted may read on either a content distribution**

**network or a network resource reservation system.**

4.      Claims 1-19 and 25-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Sim (US

6,970,939 B2).

5.      In regard to claims 1, 25, Sim disclosed:

        *receiving on the client a client application, the client application requiring a plurality of*

*resources to execute;* Column 21, line 60 – column 22, line 11

        *determining by the client a subset of the resources that the client application requires;*

column 22, lines 30-59

        *retrieving the subset of the resources; and* column 32, lines 50-59

        *performing the client application with the subset of resources to provide information.*

Column 32, lines 50-59

6.      In regard to claims 2, 10, 26, 34, Sim disclosed:

        *the resources include assets, asset bags, scenes, audio files, or graphics files.* Column

30, line 66

7.      In regard to claims 3, 8, 12, 19, 27, 32, 36, 43, Sim disclosed:

        *the client application is an interactive application.* Column 21, line 61 – Web browser

8.      In regard to claims 4, 28, Sim disclosed:

        *retrieving the subset of assets from a peer client.* Column 22, lines 30-59

9.      In regard to claims 5, 29, Sim disclosed:

        *retrieving the subset of assets from an application server.* Column 22, lines 30-59

10.     In regard to claims 6, 30, Sim disclosed:

        *requesting the subset of resources from one or more peer clients;* column 22, lines 30-59

        *determining a second subset of resources as the subset of resources that were not*

*received from the one or more peer clients; and* column 22, lines 30-59

        *requesting the second subset of resources from the application server.* Column 22, lines

30-59

11.     In regard to claims 7, 31, Sim disclosed:

*receiving from an application server a client application and a scene, the scene defining*

*the interaction between one or more objects and the client application being configured to*

*interpret and execute the scene;* column 21, lines 60 – column 22, line 11

*determining a subset of the resources that the client application requires to perform the*

*scene;* column 22, lines 30-59

*using the subset of resources on the client if the subset is available on the client;* column

22, lines 30-59

*loading the subset of resources from a second client if the subset is available on the*

*second client; and* column 22, lines 30-59

*loading the subset of resources from the application server to the client if the subset is*

*not available on the client or the second client.* Column 22, lines 30-59

12.    In regard to claims 9, 33, Sim disclosed:

*determining is performed by traversing an activity graph.* Column 22, line 32

13.    In regard to claim 11, 35, Sim disclosed:

*loading the information on a first client; and* column 22, lines 30-59

*distributing the information from the first client to a second client.* Column 22, lines 30-59

14.    In regard to claims 13, 37, Sim disclosed:

*determining the information that the interactive software program requires; and* column

22, lines 30-59

*retrieving the information that the interactive software program requires on an as needed*

*basis.* Column 22, lines 30-59

15.    In regard to claims 14, 38, Sim disclosed:

*the information includes assets, asset bags, or scenes.* Column 30, line 66

16.    In regard to claims 15, 39, Sim disclosed:

*defining a list of activities that the client application may be required to perform after a*

*current activity, the list of activities requiring one or more resources;* column 22, lines 30-59

*determining whether the client has the resources available; and* column 22, lines 30-59

*fetching the resources if the client does not have the resources available.* Column 22,

lines 30-59

17.    In regard to claims 16, 40, Sim disclosed:

*the resources include assets, asset bags, or scenes.* Column 30, line 66

18.    In regard to claims 17, 41, Sim disclosed:

*the step of fetching is performed by requesting the resources from an application server.*

Column 22, lines 30-59

19.    In regard to claims 18, 42, Sim disclosed:

*the step of fetching is performed by requesting the resources from one or more peer*

*clients.* Column 22, lines 30-59

### Conclusion

20.    The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baugher et al.                              US 5,819,043

Chan et al.                                 US 7,076,553 B2

Yeager et al.                               US 7,254,608 B2

Saroiu, Stefan et al. "An Analysis of Internet Content Delivery Systems." 5th Symposium on

Operating Systems Design and Implementation. ACM SIGOPS Operating Systems Review. December

2002. Volume 36, Issue SI. 315-327.

Rowstron, Antony et al. "Storage management and caching in PAST, a large-scale, persistent

peer-to-peer storage utility." ACM SIGOPS Operating Systems Review. October 2001. Vol 35, Issue 5.
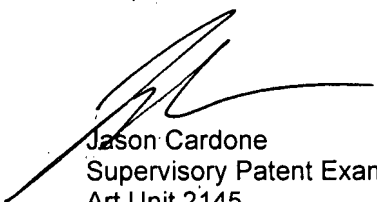
188-201.

Arlitt, Martin et al. "Characterizing the Scalability of a Large Web-Based Shopping System."

ACM Transactions on Internet Technology. Vol. 1 No 1. August 2001. 44-69.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can

normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

JRS